REMARKS

The Office Action and references cited therein have been carefully reviewed. The following remarks herein are considered to be responsive thereto. Claims 1-23 remain in this application.

The Examiner objected to the abstract for exceeding the maximum word length of 150 words. Attached on a separate sheet is a new abstract.

The Applicant respectfully requests the withdrawal of the objection to the abstract.

The Examiner objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) for including reference signs not mentioned in the description. The Applicants have amended the specification to reflect the description of the reference signs.

The Applicants respectfully request the withdrawal of the objection to the drawings.

Independent claims 1,7, 13 and 18-23 and dependent claims 2-6, 8-12 and 14-17 were rejected by the Examiner under 35 U.S.C. §103 (a) as being unpatentable over US Patent No. 6,133,909 issued to Schein, et al. (Schein) in view of US Patent No. 5,867,226 issued to Wehmeyer, et al. (Wehmeyer). Applicants respectfully traverse the Examiner's rejections of claims 1-23.

The invention disclosed in Schein relates to an interactive system for obtaining information from an electronic program guide, wherein a television system, a set-top box, a VCR, or a computer system can provide the program guide.

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The Schein patent discloses various embodiments of a system implemented interactive program guide feature. To begin a query process, the selection of a particular program results in an information menu appearing on a user's television or computer screen. Upon selecting a program to be marked as a "FAVORITE" program, the system poses a series of questions to the user and therefore determines the criteria the user had applied in selecting the program as a "FAVORITE". Subsequently a user may request that the system identify potential favorites based on the entered "FAVORITE" selection criteria. Col. 11, lines 10-67, col. 12, lines 1-52.

In a further disclosed embodiment of the Schein invention, the system actively searches for programs of potential interest whenever the user views a program. The system locates programs of potential interest to a viewer after the user has watched a particular program for at least a predetermined period of time (e.g., for example, 10 minutes). After the user has continually watched a particular program for a predetermined period of time, the system develops a series of criteria to use to search the program guide for other programs that fit the same criteria and therefore may be of potential interest to the user. If any programs fitting the perceived criteria are found, the system notifies the user. Col. 13, lines 49-61.

The patent to Wehmeyer discloses an apparatus for searching for specific television programs that satisfy a user's viewing preferences. Upon the conclusion of the search, the apparatus generates a list of television programs that predict programs of interest for the viewer. In a disclosed embodiment, the apparatus stores information about the individual television shows that the user watches as search criteria. The apparatus uses this information to compile a "predictive agent list" or "viewed item list."

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To further distinguish the claimed invention from the cited art, the viewing data of a system operator is automatically stored in the "predictive agent list" by the apparatus whenever a program is watched for at least a given period of time (e.g., 5 or more minutes). Summarily, a record is kept of the user's viewing habits so that the apparatus can be assisted in making a prediction of which upcoming shows that may be of interest to a viewer. Col. 2, lines 33-40.

We can ascertain from Figures 8, 9 and 12 of the Schein patent that the user and system both configure selection criteria that is to be used for future searches. The query process disclosed in Schein uses the criteria identified in the "FAVORITES" menu to determine the programming viewing choices from the time of the query search forward that will be provided to a system user.

The disclosure of Schein is very different from the present invention as recited in at least independent claims 1, 7, 18, 19, 21 and 22 as follows:

Claim 1 recites in part:

> [G]enerating a user query in response to a user command, said user query specifying at least one attribute-value pair for each of a plurality of program attributes, wherein at least one of said attribute-value pairs is selected based on a prior query.

Claim 7 recites in part:

> [R]eceiving one or more prior queries performed by said user; and
>
> generating said query comprised of at least one attribute-value pair for each of a plurality of program attributes, wherein at least one of said attribute-value pairs is selected based on said prior queries.

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Claim 18 recites in part:

> [G]enerate a user query in response to a user command, said user query specifying at least one attribute-value pair for each of a plurality of program attributes, wherein at least one of said attribute-value pairs is selected based on a prior query.

Claim 19 recites in part:

> [R]etrieve one or more prior queries performed by said user; and
>
> generate said query comprised of at least one attribute-value pair for each of a plurality of program attributes, wherein at least one of said attribute-value pairs is selected based on said prior queries.

Claim 21 recites in part:

> [A] step to generating a user query in response to a user command, said user query specifying at least one attribute-value pair for each of a plurality of program attributes, wherein at least one of said attribute-value pairs is selected based on a prior query.

Claim 22 recites in part:

> [A] step to retrieve one or more prior queries performed by said user; and
>
> generate said query comprised of at least one attribute-value pair for each of a plurality of program attributes, wherein at least one of said attribute-value pairs is selected based on said prior queries.

Applicant respectfully submits that the above-mentioned features are neither shown nor suggested by Schein.

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Nowhere is it disclosed in Schein that the query function of the system use the "FAVORITE" criteria in conjunction with previously executed system queries in order to produce a new query. Furthermore, nowhere is it disclosed in Schein that a query utilizing criteria gathered or generated by the system qualifies as any type of "prior query" that is used to assist in the development of a new query.

Each query executed in the Schein invention is a new query that relies on the determined selection criteria *parameters* only and carries forward no information from previously executed queries to assist in the generation of any new queries. The Examiner equates the selection function of the Schein system's search criteria to an actual user requested system query and therefore qualifying the selecting of the system query criteria as a *prior system query*. This functional aspect is nowhere to be found in Schein. It must be noted that the search criteria of the Schein invention are parameters for the functional aspect of a system query search and not a query search in and of themselves.

Thus the scope of the Schein invention is totally outside of the scope of the Applicants' claimed invention, which recite previously executed query searches that aid in the implementation of future query searches. Hence, there would appear to be no basis for the comparison of the Schein invention with the Applicants' claimed invention.

Therefore claims 1, 7, 18, 19, 21 and 22 are allowable over the cited references. Claims 2-6, which depend from claim 1 and claims 8-12, which depend from claim 7 are allowable for this reason.

The disclosure of Schein in view of Wehmeyer is very different from the present invention as recited in at least independent claims 13, 20 and 23 as follows:

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Claim 13 recites in part:

> [R]etrieving the top-N (where N is greater than or equal to zero) attribute-value pairs for each possible attribute based on a number of times said attribute-value pairs have previously been utilized in a query; and
>
> constructing said query with said top-N attribute-value pairs for each possible attribute unless a default attribute-value pair has been specified for a given attribute.

Claim 20 recites in part:

> [R]etrieve the top-N (where N is greater than or equal to zero) attribute-value pairs for each possible attribute based on a number of times said attribute-value pairs have previously been utilized in a query; and
>
> construct said query with said top-N attribute-value pairs for each possible attribute unless a default attribute-value pair has been specified for a given attribute.

Claim 23 recites:

> [A] step to retrieve the top-N (where N is greater than or equal to zero) attribute-value pairs for each possible attribute based on a number of times said attribute-value pairs have previously been utilized in a query; and
>
> a step to construct said query with said top-N attribute-value pairs for each possible attribute unless a default attribute-value pair has been specified for a given attribute.

The Examiner cited the reference to Wehmeyer as disclosing the use of "multiple attributes or 'top-N search terms'...to find programs that are of interest to the user." Office Action, pg. 4. However, Wehmeyer discloses the automatic loading of a viewed

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item list, wherein the system will check to see if the television viewer has been tuned to the same program for five minutes or more. If the viewer has been tuned to the same program, then the viewed item list is accessed from the system's memory. A check is made by the system to determine if the viewed program *matches* an item within the memory. If the program does not match am item in memory then the system checks to ascertain if the *viewing list is full.* If it is determined that the viewing list is not full then the program item is added to the list.

Subsequently, a viewer may initiate a system query to determine " 'what's on' at any given time." Col. 3, lines 16-17. The result of the query is determined from a prediction query utilizing the *entire* viewing list. Further, a display listing of the prediction list may be "presented in a 'weighted fashion'...in descending order of the number of times that a particular type of show was watched." Col. 3, lines 21-24.

The Wehmeyer invention does not retrieve the top-N attribute-value pairs for each possible attribute based on a number of times the attribute-value pairs have previously been utilized in a query. Rather, the Wehmeyer invention compiles a viewer item listing of program values based on the amount of time that a viewer is tuned into a program and from the *entire item listing* makes a determination of how many times a particular type of show has been viewed and from this determination generates a predictive listing.
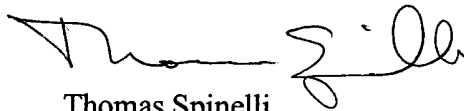
Thus Wehmeyer teaches away from the present invention wherein the previous queries of a viewer are accessed to determine what the top attribute-values are within the system and utilize a determined number of the attribute-values garnered from previous queries to construct new queries.

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Therefore, Wehmeyer is limited in scope to a system that compiles a viewer listing and accesses the *entire item listing* in order to generate and display a predictive listing to a system viewer.

For the above reasons, claims 13, 20 and 23 are allowable over the cited references. Further, claims 14-17, which depend from clam 13, are allowable for this reason.

Claims 1-23 are allowable over the art of record in this pending case. Pursuant to the above remarks, reconsideration and allowance of the pending application is believed to be warranted. Applicant respectfully requests that the Examiner allows claims 1-23 and pass this case on to issue. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this case.

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